

Department of the State of Texas, for the two (2) years beginning September 1, 1937, and ending August 31, 1939; requiring certain fees paid to clerks or officers or all Appellate Courts to be deposited monthly in the State Treasury; prescribing certain rules and restrictions respecting the expenditures of appropriations made herein; repealing all laws in conflict herewith; declaring the invalidity of any portion of this Act shall not affect any other portion," etc.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that committee substitute in lieu thereof do pass and be printed.

REDDITT, Chairman.

Committee Room,

Austin, Texas, May 1, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 138 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,

Austin, Texas, May 3, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 140 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,

Austin, Texas, May 3, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 331 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,

Austin, Texas, May 3, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 306 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,

Austin, Texas, April 30, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on En-

rolled Bills, have had S. B. No. 141 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

Committee Room,

Austin, Texas, April 30, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 113 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

Committee Room,

Austin, Texas, April 30, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 80 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

Committee Room,

Austin, Texas, April 30, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 386 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

Committee Room,

Austin, Texas, April 30, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 193 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

Committee Room,

Austin, Texas, April 30, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. J. R. No. 16 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

#### SEVENTIETH DAY.

(Tuesday, May 4, 1937)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Woodul.

The roll was called and the following Senators were present:

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

A quorum was announced present.

The invocation was offered by the Chaplain.

Reading of the Journal of the proceedings of yesterday was dispensed with, on motion of Senator Roberts.

#### Reports of Standing Committees.

Reports on Senate Bills Nos. 503, 504, House Bills Nos. 1035, 1076, 1081, 1080, 1103, 1114, 402, 456, 1118, 713, 1073, and 651 were submitted by the chairmen of the several committees to which they were referred. (See appendix for reports in full.)

#### Senate Bill No. 506 on First Reading.

The following (local) bill was introduced, read first time and referred to the Committee on Towns and City Corporations:

By Senator Rawlings (by request):  
S. B. No. 506, A bill to be entitled "An Act amending Title 28, Chapter 20, Revised Civil Statutes of 1925, by adding a new article thereto to be known as Article 1265-a; providing that any city having a population of more than 150,000 and less than 200,000, as shown by the preceding Federal Census, shall have power and authority to amend its charter so as to extend its boundary limits, where the territory so annexed does not include any incorporated city, town or village having more than 5,000 inhabitants according to the preceding Federal Census; providing the manner such extension shall be effected; providing this Act shall be cumulative of charter provisions; and declaring an emergency."

#### Senate Bill No. 507 on First Reading.

Senator Small moved that the rule limiting the time for introduction of certain bills to the first 45 days of the Session be suspended, to permit the introduction at this time of a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—28.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Hill	Spears
Holbrook	Stone
Isbell	Van Zandt
Moore	Weinert
Neal	Westerfeld
Nelson	Winfield
Newton	Woodruff

Absent.

Head	Sulak
Lemens	

The following bill then was introduced, read first time, and referred to the Committee on Towns and City Corporations.

By Senator Small:

S. B. No. 507, A bill to be entitled "An Act validating all ordinances of cities operating under the Home Rule amendment to the Constitution of this State, which have heretofore been published in accordance with the provisions of the charters of such home rule cities; and declaring an publication of ordinances of such home rule cities; providing for the emergency."

#### House Concurrent Resolution No. 110 Referred.

The following resolution was laid before the Senate, read, and referred by the President to the Committee on State Affairs:

H. C. R. No. 110, Authorizing Floyd Arnwine to sue the State.

#### Committee Substitute for House Bill No. 1076 on Second Reading.

On motion of Senator Redditt and by unanimous consent, the regular

order of business was suspended, to take up and have placed on its second reading and passage to third reading:

C. S. for H. B. No. 1076, A bill to be entitled "An Act making an emergency appropriation to the State Board of Pardons and Paroles for the purpose of paying the necessary expenses and operation of said board from February 1, 1937, to August 31, 1937, defining said duties of said board and employees, locating said board members, and declaring an emergency."

The President laid the bill before the Senate.

On motion of Senator Redditt and by unanimous consent, Senate Rule No. 31a and Senate Rule No. 48 were suspended severally, to permit consideration of the bill at this time.

The bill was read second time and was passed to third reading.

#### Committee Substitute for House Bill No. 1076 on Third Reading.

Senator Redditt moved that the constitutional rule requiring bills to be read on three several days be suspended and that C. S. for H. B. No. 1076 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

The President then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—23.

Beck	Burns
Brownlee	Cotten

Head	Redditt
Holbrook	Shivers
Isbell	Spears
Moore	Stone
Neal	Van Zandt
Nelson	Weinert
Newton	Westerfeld
Oneal	Winfield
Pace	Woodruff
Rawlings	

Nays—4.

Aikin	Small
Hill	Sulak

Absent.

Collie	Lemens
Davis	Roberts

#### Message From the House.

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas, May 4, 1937.  
Hon. Walter F. Woodul, President  
of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 144, A bill to be entitled "An Act to correct malpractice in the building construction industry by safeguarding the public against the irresponsible practice of the profession of architecture; defining and regulating the practice of architecture; creating a Board of Architectural Examiners; providing for appointment of the Board; fixing the terms of office; providing for appointment of their successors and for filling vacancies; fixing the qualifications of the members of said Board; requiring each member to take the oath of office and file same with the Secretary of State; providing for the election of various officers of said Board; requiring the bonding of the secretary-treasurer; providing for the adoption of necessary rules, regulations, and by-laws of said Board to govern its proceedings and activities; prescribing the duties of the various members of said Board; providing for fees collected by said Board to be deposited in a special fund in the State treasury; providing for an appropriation from said fund to pay salaries, compensations, and other expenses of said Board; providing certain excess funds to be diverted to

the General Revenue Fund of the State; providing salary of the secretary-treasurer and certain compensation to other members of said Board; providing for special meetings of said Board; requiring the adoption of rules and regulations by said Board for the examination and registration of applicants to practice architecture; fixing the fee therefor; providing for the issuance of certificates to applicants in certain cases without examination and fixing the fee therefor; setting forth who shall be a registered architect in co-partnerships or firms; providing for the publishing by the Board, from time to time, of the list of approved schools; requiring every registered architect to have and use a seal on drawings and specifications; defining what persons are regarded as architects within the meaning of this Act; providing for the revocation and cancellation of registration certificates in certain cases; providing for the annual renewal of registration certificates issued under the provisions of this Act; providing for the reinstatement of registration certificates in certain cases; providing for the filing of a report of the proceeding of said Board in the office of the Secretary of State; providing penalties for pursuing the practice of architecture without having a registration certificate in accordance with this Act, or for violating the provisions of this Act; exempting practice of architecture by persons acting solely as officers or employees of the United States from the provisions of this Act; exempting from the provisions of this Act qualified architects residing outside this State, who have no office in this State, provided such architects, when performing architectural work in this State work with a registered architect of this State as a consultant, or act as a consultant to such an architect; providing for certain other things incidental to various portions of this Act; providing against any invalid part of this Act invalidating the remainder thereof or any part thereof; repealing all laws in conflict with this Act, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Bills and Resolutions Signed.

The President signed in the presence of the Senate, after giving due notice thereof, the following bills and resolutions:

H. B. No. 233, "An Act authorizing Mrs. Fannie Williams, a widow, to sue the State of Texas and/or the State Highway Commission in its official capacity, on account of damages to Block 28-A Williams Addition to Waxahachie, Ellis County, Texas, by reason of the construction over and maintenance across said lot of State Highway No. 6, etc."

H. B. No. 438, "An Act to amend Chapter 51, Local and Special Laws of the State of Texas, passed at the Regular Session of the Thirty-seventh Legislature as amended by Chapter 36, General Laws passed at the Regular Session of the Forty-third Legislature, pertaining to San Antonio Independent School District, by adding thereto Section 6-a, authorizing the district to borrow money and to pledge its delinquent taxes levied for maintenance and operation expenses as security for such loans, ratifying and confirming such actions heretofore taken by the district and its governing board, and declaring an emergency."

H. B. No. 654, "An Act providing for and authorizing 'Marketing Agreements' with respect to citrus fruits or citrus fruit; authorizing the Commissioner of Agriculture of the State of Texas to enter into 'Marketing Agreements' with producers, shippers and/or handlers thereof in interstate commerce; setting forth the imperative necessity therefor; etc., and declaring an emergency."

H. B. No. 675, "An Act to amend Article 2371 of the Revised Civil Statutes of 1925, by providing that in all counties of this State, having a population of more than three hundred thousand, according to the last United States census; the commissioners' court in such county may expend, in furnishing a rest room for women in the court house, or in court house buildings, or on court house grounds, a sum not to exceed three hundred dollars; and may expend for its maintenance, including the compensation paid by the county to the matron, an amount not to

exceed one hundred dollars per month, and declaring an emergency."

H. B. No. 823, "An Act to amend Section 1, of Chapter 473, page 1866, Second Called Session, Forty-fourth Legislature, by removing the population classification therefrom, and declaring an emergency."

H. B. No. 861, "An Act authorizing political subdivisions of the State of Texas to lease lands owned by such subdivisions for mineral development purposes and prescribing the method and manner of making such leases, and declaring an emergency."

H. B. No. 1023, "An Act creating a Special Road Law for Jeff Davis County, Texas, providing that said county may fund or refund the indebtedness outstanding against its road and bridge fund as of February 1, 1937, setting forth the method of operation; validating all acts and proceedings heretofore had by the commissioners' court of said county and officers thereof in respect to the funding or refunding of said indebtedness; validating certain items of indebtedness heretofore authorized by said commissioners' court, etc., and declaring an emergency."

H. B. No. 1065, "An Act to amend Section 12, S. B. No. 248, Chapter 95, Acts of the Regular Session of the Forty-fourth Legislature so as to extend the time of existence of the Special Ninth District Court of Montgomery, Polk, and San Jacinto Counties, Texas."

H. B. No. 1086, "An Act amending Section 2 of Article 3883, Revised Civil Statutes of Texas, 1925, as amended by Chapter 20, Acts of the Forty-first Legislature, Fourth Called Session as amended by Chapter 340, Acts of the Forty-second Legislature, Regular Session, as amended by Chapter 220, Acts of the Forty-third Legislature, Regular Session, by providing that in counties containing not less than 29,500 nor more than 30,000 population according to the last preceding Federal Census the Justice of the Peace shall be allowed to retain out of the fees collected by such officer the sum of Twenty-four Hundred (\$2400.00) Dollars, and declaring an emergency."

S. C. R. No. 55, Authorizing Dr. H. R. Allman to sue the State.

S. C. R. No. 59, Authorizing J. A. Thedford to sue the State.

#### Motion to Re-refer Senate Concurrent Resolution No. 61.

Senator Woodruff submitted the following motion in writing:

Mr. President: Because of lack of joint rules for the guidance of the House and Senate in the consideration of pending legislative matters, and in order to assure early consideration of emergency measures submitted by the Governor, including the Bradbury House Bill No. 53 which proposes to repeal the statutes legalizing pari-mutuel wagering on horse races in Texas, and because of the impending early adjournment of the Forty-fifth Legislature, Regular Session, I move that S. C. R. No. 61 be re-referred from Senate Committee on Rules to Committee of the Whole Senate.

WOODRUFF,  
NELSON.

Pending consideration of the motion, Senator Burns occupied the Chair temporarily.

(President in the Chair.)

Senator Rawlings moved to table the motion submitted by Senator Woodruff.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

#### Yeas—17.

Beck	Shivers
Brownlee	Small
Holbrook	Stone
Isbell	Sulak
Moore	Van Zandt
Newton	Weinert
Pace	Westerfeld
Rawlings	Winfield
Roberts	

#### Nays—12.

Aikin	Hill
Burns	Lemens
Collie	Nelson
Cotten	Oneal
Davis	Spears
Head	Woodruff

#### Absent.

Neal	Redditt
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**Motion to Set House Bill No. 58 as a Special Order.**

Senator Spears moved that H. B. No. 58, known as the Fair Trade Bill, be set as a special order for tomorrow, immediately after conclusion of the morning call on that day.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

**Yeas—16.**

Aikin	Lemens
Beck	Oneal
Brownlee	Roberts
Collie	Shivers
Cotten	Spears
Head	Van Zandt
Hill	Westerfeld
Isbell	Winfield

**Nays—12.**

Burns	Redditt
Davis	Small
Holbrook	Stone
Moore	Sulak
Pace	Weinert
Rawlings	Woodruff

**Present—Not Voting.**

Newton

**Absent.**

Neal

Nelson

**Relative to Night Session.**

Senator Aikin moved that the Senate hold a night session tonight to consider local and non-contested bills.

The motion was lost by the following vote:

**Yeas—14.**

Aikin	Lemens
Brownlee	Newton
Burns	Oneal
Collie	Roberts
Davis	Westerfeld
Hill	Winfield
Isbell	Woodruff

**Nays—15.**

Beck	Shivers
Cotten	Small
Head	Spears
Holbrook	Stone
Moore	Sulak
Pace	Van Zandt
Rawlings	Weinert
Redditt	

**Absent.**

Neal

Nelson

**House Bill No. 144 on First Reading.**

H. B. No. 144, received from the House today, was laid before the Senate, read first time, and referred to the Committee on State Affairs.

**Message from the Governor.**

A Secretary of the Governor was announced by the Doorkeeper and was recognized by the President to present the following message from the Governor:

Austin, Texas, May 4, 1937.

To the Senate of the Forty-fifth Legislature:

I ask the advice, consent and confirmation of the Senate to the following appointments:

To be a Member of the State Board of Education:

Irvin McCreary, of Temple, Bell County, to succeed Mrs. J. E. Watkins of Henderson, for the six-year term beginning January 1, 1937.

To be District Attorney of the 13th Judicial District:

Cleo Miller, of Corsicana, Navarro County, to succeed J. R. Curington, deceased.

To be Members of the State Board of Health:

Dr. E. W. Wright, of Bowie, Montague County (reappointment).

Dr. S. J. Alexander, of Robertson County, to succeed C. M. Rosser, of Dallas.

To be Commissioner of the Court of Civil Appeals of the 10th District at Waco: (Pursuant to the terms of H. B. No. 82, Chapter 509, Acts of the Third Called Session, Forty-fourth Legislature, providing for the appointment of a special commissioner to serve in the place of any member of a Court of Civil Appeals, who shall be disabled by illness, or otherwise, and whose disability shall be certified to by the Governor by the Chief Justice, or any two members, of a Court of Civil Appeals):

Ballard George, of Corsicana, Navarro County.

To be Members of the State Livestock Sanitary Commission:

L. J. Wardlaw, of Fort Worth, Tarrant County (six-year term).

R. B. Martin, of Del Rio, Val Verde County (four-year term).

Roy Jackson, of Laredo, Webb County, (two-year term).

To be Members of the State Planning Board:

Arthur Henry Leidigh, of Lubbock, Lubbock County, to succeed R. C. Hopping, for the two-year term beginning in 1937.

E. L. Kurth, of Lufkin, Angelina County, to represent reforestation (reappointment).

Trav. J. Lewis, of Fort Worth, Tarrant County (reappointment).

Respectfully submitted,

JAMES V. ALLRED,

Governor of Texas.

The message was read by the Secretary and was referred by the President to the Committee on Nominations of the Governor.

#### House Bill No. 982 on Passage to Third Reading and Final Passage.

Senator Shivers moved to reconsider the vote by which H. B. No. 982 was passed on yesterday.

The motion prevailed.

Senator Shivers moved to reconsider the vote by which the bill was passed to third reading on yesterday.

The motion prevailed.

Senator Shivers moved to reconsider the vote by which the amendment of Senator Lemens to the bill was adopted on yesterday pending the consideration of the bill on passage to third reading.

The motion prevailed.

Question then recurred—Shall the amendment be adopted?

The amendment was lost.

H. B. No. 982 then was passed to third reading.

Senator Shivers moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 982 be placed on its final passage.

The motion prevailed by the following vote:

#### Yeas—31.

Aikin	Isbell
Beck	Lemens
Brownlee	Moore
Burns	Neal
Collie	Nelson
Cotten	Newton
Davis	Oneal
Head	Pace
Hill	Rawlings
Holbrook	Redditt

Roberts  
Shivers  
Small  
Spears  
Stone  
Sulak

Van Zandt  
Weinert  
Westerfeld  
Winfield  
Woodruff

The bill then was finally passed.

#### House Bill No. 24 Set as Special Order.

Senator Davis moved that H. B. No. 24 be set as a special order for tomorrow immediately after conclusion of the morning call on that day.

Senator Woodruff moved as a substitute that S. B. No. 45 be tabled subject to call.

Senator Rawlings raised a point of order on consideration of the motion of Senator Woodruff at this time on the ground that it is not a proper substitute for the motion of Senator Davis.

The President sustained the point of order.

The motion of Senator Davis prevailed by the following vote:

#### Yeas—21.

Aikin	Pace
Brownlee	Rawlings
Collie	Small
Cotten	Spears
Davis	Stone
Head	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Newton	Winfield
Oneal	

#### Nays—8.

Beck	Redditt
Burns	Roberts
Hill	Shivers
Holbrook	Woodruff

#### Absent.

Neal	Nelson
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#### Message From the House.

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas, May 4, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the Speaker of the House, Honorable Robert W.

Calvert, has sustained the point of order that Senate amendment to House Bill No. 1116 changed the original purpose of the following H. B. No. 1116:

H. B. No. 1116, A bill to be entitled "An Act making it unlawful for any citizen of this State not a resident of McLennan County to catch or attempt to catch any fish from the waters of McLennan County without having first procured a fishing license, excepting those under seventeen (17) years of age; etc., and declaring an emergency."

The House refused to concur in Senate amendments to House Bill No. 774 and has requested the appointment of a conference committee to consider the differences between the two Houses. The following conferees are appointed on the part of the House with instructions that the Senate amendment be eliminated from the provisions thereof:

Messrs. Celaya, Petsch, Canthorn, Newton, and Broadfoot.

The House refused to concur in Senate amendments to House Bill No. 352 and has requested the appointment of a conference committee to consider the differences between the two Houses. The following conferees are appointed on the part of the House:

Messrs. Tennant, Morris, Callan, Amos and Burton.

The House refused to concur in Senate amendments to House Bill No. 560 and has requested the appointment of a conference committee to consider the differences between the two Houses. The following conferees are appointed on the part of the House:

Messrs. Alexander, Harris of Dickens, Settle, Kern and Cathey.

The House has concurred in Senate amendments to H. B. No. 410 by a vote of 120 yeas, 0 nays.

The House refused to concur in Senate amendments to House Bill No. 132 and has requested the appointment of a conference committee to consider the differences between the two Houses. The following conferees are appointed on the part of the House:

Messrs. Tennyson, Bell, Langdon, Harris of Archer, and Smith of Matagorda.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Recess.

On motion of Senator Pace, the Senate, at 12:20 o'clock p. m., took recess to 4:00 o'clock p. m. today.

#### Afternoon Session.

The Senate met at 4:00 o'clock p. m. and was called to order by the President.

#### Free Conference Committee on House Bill No. 774.

Senator Burns moved that the request of the House for a free conference committee to adjust the differences between the two Houses on House Bill No. 774 be granted.

The motion prevailed.

Accordingly, the President announced the appointment of the following free conference committee on the bill on the part of the Senate:

Senators Burns, Holbrook, Lemmens, Westerfeld and Oneal.

#### Reports of Standing Committees.

(By Unanimous Consent.)

Reports on House Bills Nos. 144, 105, 677, 5, 1027, 993 and 641, on Senate Bill No. 502 and on H. C. R. No. 110 were submitted by the chairmen of the several committees to which they were referred. (See appendix for reports in full.)

#### Bills Signed.

The President signed in the presence of the Senate, after giving due notice thereof, the following enrolled bills:

H. B. No. 275, "An Act to provide for the repurchase of land located in Dallam and Hartley Counties heretofore set apart to build the Capitol of the State of Texas, that has been recovered by the State, and repurchased as provided by the laws of this State and forfeited or that is subject to being forfeited for nonpayment of interest or principal accrued prior to the date of the passage of this Act, and giving a preference right to the owners of such lands or part thereof at any time within ninety (90) days after the date of notice of revaluation of such land to repurchase the same upon the terms and conditions provided in Chapter 94, page 267, Acts of 1925, as amended by Acts of 1926, Thirty-ninth Legis-



lature, First Called Session, page 43, Chapter 25, and providing that any owner or owners of such land may ask that such owner or owners land forfeited as provided by law whether the same is delinquent or not and that he be allowed to repurchase said land at the price placed thereon by a new appraisal; providing for reappraisement of said land and further providing for the payment of taxes on said land, and declaring an emergency."

H. B. No. 726, "An Act (1 and 2) to create and establish San Antonio River Canal and Conservation District under authority of Section 59 of Article XVI of the Constitution of Texas, to be a governmental agency, a body politic, municipal and corporate; also stating the intent and defining certain words and expressions as used in this Act; (3) designating the area to be embraced in the district and making provision for excluding lands from or adding lands to, the area of the district and prescribing the manner for so doing; etc., and providing a day upon which this Act is to be effective."

H. B. No. 765, "An Act amending Article 2350 by adding thereto another section to be designated as Article 2350 (4), providing for the salaries of members of the commissioners' court in counties with a population bracket of between sixteen thousand (16,000) and sixteen thousand and forty (16,040), and declaring an emergency."

H. B. No. 1071, "An Act to be designated as Article 2350m, providing for traveling expenses for members of the commissioners' court in certain counties in this State, and declaring an emergency."

#### Senate Bill No. 45 on Engrossment.

The President laid before the Senate, as unfinished business on its passage to engrossment (the bill having been read second time on yesterday):

S. B. No. 45, A bill to be entitled "An Act providing a school census code for the State of Texas; amending Article 2816 of the Revised Civil Statutes of Texas of 1925, relating to the taking of census; amending Article 2817 of the Revised Civil Statutes of Texas of 1925, relating to the duty of census trustee; amending Article 2818 of the Revised Civil

Statutes of Texas of 1925, as amended by the Forty-second Legislature, Second Called Session, Chapter 24, relating to county line districts; amending Article 2819 of the Revised Civil Statutes of Texas of 1925 relating to duty of county superintendent; amending Article 2820 of the Revised Civil Statutes of Texas of 1925, relating to duty of State Superintendent; amending Article 2821 of the Revised Civil Statutes of Texas of 1925, relating to compensation; amending Article 2696 of the Revised Civil Statutes of Texas of 1925, as amended by the Forty-fourth Legislature, Regular Session, Acts of 1935, relating to application to transfer; amending Article 2698 of the Revised Civil Statutes of Texas of 1925 and as amended by the Forty-second Legislature, First Called Session, Chapter 37, Acts of 1931 relating to emergency transfers; repealing Article 2822 of the Revised Civil Statutes of Texas of 1925, relating to independent districts and appointment of census trustees; repealing Article 2817a of the Revised Civil Statutes of Texas of 1925, Acts of the Forty-second Legislature, 1931, Regular Session, Chapter 33, relating to who shall make oath; providing for birth certificates and annual growth; providing for transfers in equalization districts; prohibiting supplements; and declaring an emergency."

With the following amendment by Senator Nelson pending:

Amend S. B. No. 45, page 5, line 2, by striking out the words: "prior to September first" and substituting therefor the following: "Prior to December 31st."

On motion of Senator Van Zandt, the amendment was tabled.

Senator Moore moved the previous question on the passage of the bill to engrossment, and the main question was ordered.

Pending further consideration of the bill on its passage to engrossment, Senator Moore occupied the Chair temporarily.

(President in the Chair.)

Question recurring on the passage of the bill to engrossment, yeas and nays were demanded.

The Senate refused to pass the bill to engrossment by the following vote:

## Yeas—12.

Burns	Rawlings
Collie	Shivers
Cotten	Stone
Moore	Van Zandt
Neal	Weinert
Pace	Westerfeld

## Nays—17.

Aikin	Newton
Brownlee	Oneal
Davis	Redditt
Head	Roberts
Hill	Spears
Holbrook	Sulak
Isbell	Winfield
Lemens	Woodruff
Nelson	

## Absent.

Beck	Small
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## Messages From the House.

A Clerk from the House was recognized to present the following messages:

Hall of the House of Representatives,  
Austin, Texas, May 4, 1937.  
Hon. Walter F. Woodul, President  
of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

H. C. R. No. 65, Granting John Haney and Lochwood Allison permission to sue the State Liquor Board and/or the State of Texas for personal injuries.

H. C. R. No. 89, Granting Mrs. Mary Esther Ramsey permission to sue the State of Texas and the Highway Department.

H. C. R. No. 90, Granting R. L. Gillespie permission to sue the State of Texas and the Highway Department.

H. C. R. No. 116, Providing for Joint Rules of the House of Representatives and the Senate of Texas.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, May 4, 1937.  
Hon. Walter F. Woodul, President  
of the Senate.

Sir: I am directed by the House to inform the Senate that the House has granted the request of the Senate for the appointment of a confer-

ence committee to consider the differences between the two Houses on S. B. No. 472. The following are conferees on the part of the House: Messrs. Keith, Stocks, Hamilton, Blankenship and Waggoner.

The House has granted the request of the Senate for the appointment of a conference committee on S. B. No. 476.

The following conferees are appointed on the part of the House with instructions to retain the provisions relating to the audit of the expenditures of said funds:

Messrs. Morse, Wood, Boethel, Stevenson and Mann.

The House has concurred in Senate amendments to H. B. No. 999 by a vote of 126 yeas, 0 nays.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

## Message From the Governor.

A Secretary of the Governor was announced by the Doorkeeper and was recognized by the President to present the following message, which was read to the Senate by the Secretary:

Executive Office,

Austin, Texas, May 4, 1937.

To the Members of the Forty-fifth Legislature:

After serious consideration of House Bill 67, received by me on April 23, 1937, I regret I am unwilling to approve it. While I am definitely of the opinion that there is probably a public demand and need for legislation that will clearly define the right and authority of merchants and shippers to transport their property in good faith over the public highways of this State, yet I cannot approve the present bill because it goes farther than this. It goes beyond the purpose for which it was originally intended; it goes beyond remedying the conditions with which it originally sought to deal; this largely by virtue of certain amendments to the bill. My reasons for this veto are as follows:

## 1.

Section B.-(2) reads:

"Provided, however, that a bona fide employee, agent or consignee of a single principal, who owns his own motor vehicle, or motor vehicles, and

who is legally and exclusively engaged in the distribution of the products of said single principal, from an established place of business, shall be entitled to a Private Commercial Carrier permit under the provisions of this Act by complying with the other provisions of this Act."

This section unquestionably creates a new class of contract carrier. It is so broad in its terms that it will practically permit large concerns to put back on all highways of this State, unregulated and unrestricted, thousands of trucks. In my judgment, it affords the opportunity and the result may follow for the hectic conditions which prompted the passage of the motor carrier laws.

For instance, under this bill it would be possible for a large oil field tank concern, or a large oil field equipment concern, to employ innumerable agents who could transport these tanks or equipment over any highways without any of the regulations imposed by Chapter 277, Acts of the Regular Session of the Forty-second Legislature. It would be possible for a cotton concern with headquarters on the coast to buy cotton in North and West Texas, transport it without being subjected to regulations in the same fashion and to the same extent formerly experienced in this State. This would be extremely hazardous to life and property and destructive of our highways.

The basis upon which the original motor carrier act was sustained in the United States Supreme Court was that in the exercise of police power, to protect its highways from wear and tear, and to protect the public from loss of life and property, the State had a right to so regulate carrier for hire. This bill would set up and create another class of carrier not subject to the regulations imposed upon common carriers under the motor carrier act.

This would present a most serious legal question. In my judgment it might result in striking down the motor carrier act it seeks to amend. This for the reason that the courts will not tolerate the exemption from prosecution on burdens imposed under a law or one class without a reasonable basis therefor. While I desire to achieve the ends originally intended by the Legislature, and to bring some measure of assurance to merchants and others whom the Leg-

islature originally intended to help, I am not willing to impair the validity of our motor carrier laws by subscribing to this loosely drawn legislation. I much prefer that it be worked out by a better bill on the subject at this, or some later, session of the Legislature.

Under this section the "consignee" of a single principal is entitled to a Private Commercial Carrier permit. This right to be extended to a consignee is not limited to the character of consignment contract to which the privilege is likewise extended under Section B-(1) of the bill. That section reads:

"Provided further that possession of property under a bona fide consignment contract shall for the purpose of this act be deemed ownership, if such consignment is incidental to the regular established business of the consignee."

As pointed out, the privilege extended in Section B-(2) is to a consignee of a single principal without any restrictions; and I fear that under this provision it will be possible for a contract carrier now subject to the regulations imposed under Chapter 277 to simply slightly change his mode of business and carry on upon a large scale the same business without being subjected to these restrictions.

2.

It will be noted that this "bona fide consignment contract" section does not require that to constitute ownership the consignment should be for the purpose of resale of consigned goods in the due and regular order of business. Without this limitation it will be possible for our highways to be plagued with peddlers of every kind and character and description. This I do not believe either the people or the businessmen of Texas want.

3.

Section B, paragraph 5, exempts in the operation of the act "any person transporting milk or cream from the farm where produced to a creamery or cheese factory in any such motor vehicle owned by any such person." It will be noted that this does not restrict the right of transporting milk or cream to the owner of such milk or cream. It would be possible under this provision for a contract

carrier to engage in the business of transporting milk and cream from the farm in his own motor vehicle without owning or buying, or selling, such commodities.

4.

Section C, paragraph 2, reads:

"The filing of an application as herein provided, and payment of the fee herein stipulated, shall, as of right, entitle the applicant to a permit, and it shall thereupon be the duty of the Commission, without further requirement, to grant a permit to the applicant."

I think that the Railroad Commission of Texas should be given some discretionary authority in regard to the issuance of "Private Commercial Carrier" permits. By this I mean they should not be required to issue a permit simply because certain verified statements are made, but should issue same when in the Commission's opinion the facts set out are true and the application shows upon its face that the applicant is entitled to such "Private Commercial Carrier" permit.

5.

I am advised by the Department of Public Safety that this bill under the provisions of Section E (1) would deprive the Driver's License Division of approximately two-thirds (2/3) of the revenue now accruing to it, leaving an insufficient amount to properly carry on the work of this Division as required by law, and making it absolutely impossible for the Department to pay the five (5¢) cents fee to the tax collectors of the various counties for the issuance of licenses in the year 1939, for which purpose approximately \$150,000 will be required.

Section 3, paragraph c of the Driver's License Law (Senate Bill 15, Chapter 466, page 1785, Second Called Session of the Forty-fourth Legislature) provides in brief that "drivers of commercial motor vehicles operating under the jurisdiction of the Railroad Commission of Texas who are required to have a driver's license issued by that Department shall not be required to secure a chauffeur's or operator's license under the terms of this Act for the operation of such vehicle." House Bill No. 67, Section E (1) stipulates that

"each driver of a motor vehicle operating under any permit granted under the terms of this Act shall have a driver's license which shall be issued by the (Railroad) Commission." This bill provides that this Railroad Commission chauffeur's fee shall be \$1.00, whereas the Driver's License Division is now collecting a \$3.00 fee from such persons.

It appears very plainly that chauffeurs employed under a "Private Commercial Carrier" permit under the provisions of House Bill No. 67 would thus be relieved from the payment of the chauffeur's license fee now collected by the Driver's License Division from such persons.

In this connection, I would point out that the annual income of the Driver's License Division amounts to approximately \$235,000.00, and is deprived almost entirely from chauffeur's license receipts. I am informed that House Bill No. 67 would withdraw approximately two-thirds (2/3) of the present revenue from the Division, leaving an annual income of approximately only \$80,000.00. I would advise you further that the Appropriations Bill now before the Senate appropriates to the Driver's License Division from the Operator's and Chauffeur's License Fund \$250,368.00 for the fiscal year ending August 31, 1938, and \$382,868.00 for the fiscal year ending August 31, 1939. I am informed that the House Appropriations Committee will include substantially the same figures in its Appropriations Bill.

Should the present Legislature finally pass the Driver's License Law amendments which are now on the Senate calendar, having passed the House, the Driver's License Division would be absolutely unable to enforce the amended law with such a curtailment in revenue as would result from the enactment of House Bill No. 67. Indeed, the present work of the Division would be practically nullified.

There are, according to figures furnished by the Highway Department, approximately 184,000 commercial motor vehicle licenses which have been issued to date for 1937—I am informed that but approximately 4,000 of these are now operating under the jurisdiction of the Railroad Commission. The difference between the two figures represents approxi-

mately 180,000 trucks, of which, it seems reasonable to assume, that one-half ( $\frac{1}{2}$ ) or 90,000 will come under the provisions of House Bill No. 67, being trucks that operate outside of city limits between two or more incorporated towns using the State highways.

Under the provisions of the bill, the operators of these trucks would pay to the Railroad Commission \$2.00 per truck for separate and additional license plates, and a \$1.00 chauffeur's license fee for each truck making a total of \$3.00 per truck, and a grand total of \$270,000.00.

In addition, the bill provides that each concern qualifying as a "Private Commercial Carrier" shall pay to the Commission a "filing fee" of \$5.00. Assuming that these 90,000 trucks will average two trucks to the owner, we would have 45,000 owners paying a filing fee of \$5.00 each, or a total of \$225,000.00 and a grand total of \$495,000.00 revenue to the Railroad Commission under this Act.

Section i, House Bill No. 67 appropriates this entire sum to the "Motor Carrier Fund" of the Railroad Commission for the purpose of carrying out the provisions of the Act. I am unwilling to thus cripple the Driver's License Bureau of the Public Safety Department at whose hands we expect so much in the matter of safety during the next two years.

For all of the foregoing reasons, I am respectfully disapproving and vetoing House Bill 67, and returning same to the House of Representatives, in which it originated.

Respectfully submitted,

JAMES V. ALLRED,  
Governor of Texas.

#### **Free Conference Committee on House Bill No. 132.**

Senator Oneal moved that the request of the House for a free conference committee to adjust the differences between the two Houses on H. B. No. 132 be granted.

The motion prevailed.

Accordingly, the President announced the appointment of the following Free Conference Committee on the bill on the part of the Senate:

Senators Oneal, Aikin, Davis, Stone and Roberts.

#### **House Concurrent Resolutions Referred.**

The following resolutions, received from the House today, were laid before the Senate, read severally, and referred to the committees indicated:

H. C. R. No. 65, to Committee on State Affairs.

H. C. R. No. 89, to Committee on State Affairs.

H. C. R. No. 90, to Committee on State Affairs.

H. C. R. No. 116, to Committee on Rules.

#### **Free Conference Committee on House Bill No. 352.**

Senator Hill moved that the request of the House for a free conference committee to adjust the differences between the two Houses on H. B. No. 352 be granted.

The motion prevailed.

Accordingly, the President announced the appointment of the following Free Conference Committee on the bill on the part of the Senate:

Senators Hill, Shivers, Sulak, Beck and Weinert.

#### **Conference Committee Report on House Bill No. 650.**

Senator Pace submitted the following report of the Conference Committee on H. B. No. 650:

Austin, Texas, May 4, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Hon. Walter F. Woodul, President of the Senate.

Gentlemen: We, your Conference Committee, appointed to adjust differences between the House and Senate on H. B. No. 650, have had same under consideration, and beg leave to report that we recommend the passage of said H. B. No. 650 in the form attached hereto.

Respectfully submitted,

PACE,  
SHIVERS,  
WOODRUFF,  
NEAL,  
BURNS,

On the part of the Senate.

BECKWORTH,  
CLEVELAND,  
BRADBURY,  
HYDER,  
POPE,

On the part of the House.

H. B. No. 650.

A BILL  
to be entitled

An Act validating and approving all proceedings had by cities and towns in the State of Texas having a population of not more than Three Thousand according to the preceding Federal census, in the issuance and sale of revenue obligations under the provisions of Article 1111 to 1118, Revised Civil Statutes of Texas of 1925 as amended, to aid in financing any undertaking for which a loan or grant has been made by the United States through the Works Progress Administration, or any other governmental agency, in which the only objection to the validity of said bonds is that such election was ordered and notice thereof given under the provisions of Article 704, Revised Civil Statutes of Texas of 1925 prior to the amendment of October 1935, declaring that such bonds, notes or warrants shall be valid and binding special obligations of such cities or towns, and validating the pledge of revenues to the payment of said obligations; providing this Act shall not apply to any proceedings or obligations, the validity of which has been contested in any pending suit or litigation, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That all proceedings heretofore had by the governing bodies of all cities and towns, having a population of not more than Three Thousand, according to the preceding Federal census, in the issuance and sale of Revenue bonds, notes or warrants issued under the provisions of Articles 1111 to 1118, Revised Civil Statutes of Texas, as amended, to aid in financing any undertaking, for which a loan or grant has been made by the United States through the Public Works Administration, or any other agency or department of the Government of the United States, in which the only objection to the validity of said bonds is that such election was ordered and notice thereof given under the provisions of Article 704, Revised Civil Statutes of 1925 prior to the amendment of Oc-

tober 1935, are hereby in that respectively validated, confirmed, approved and legalized, and any such bonds, notes or warrants heretofore sold, or heretofore authorized but not yet delivered, are in all things fully validated, confirmed and approved, and such bonds, notes or warrants are hereby declared to be the valid and binding special obligations of such cities and towns of said population payable from sources other than taxation. All orders, resolutions and ordinances authorizing the issuance of any such revenue bonds by said cities and towns of said population, and setting aside and pledging the revenues of any light system, water system, sewer system or sanitary disposal equipment system, either or all are hereby in all things validated, confirmed and approved, and legalized.

Sec. 2. Provided, however, that the provisions of this Act shall not apply to any such proceedings, or obligations issued thereon, where the validity thereof has been contested or attacked in any suit or pending litigation.

Sec. 3. The fact that many cities and towns in Texas have authorized the issuance of revenue obligations, and in some instances, by inadvertence or oversight, the requirements of law have not been fully complied with, and the further fact that on account of unemployment the immediate relief of citizens may be had by the issuance and sale of such bonds creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and the same is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Senator Pace moved that the report be adopted.

The motion prevailed by the following vote:

Yeas—28.

Aikin	Isbell
Brownlee	Lemens
Burns	Moore
Collie	Neal
Cotten	Nelson
Davis	Newton
Head	Oneal
Holbrook	Pace

Rawlings  
Redditt  
Roberts  
Shivers  
Spears  
Stone

Sulak  
Van Zandt  
Weinert  
Westerfeld  
Winfield  
Woodruff

Absent.

Beck  
Hill

Small

**House Bill No. 970 on Second Reading.**

On motion of Senator Shivers and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to third reading:

H. B. No. 970, A bill to be entitled "An Act amending Chapter 55, page 110, General Laws, Regular Session, Forty-third Legislature 1933, being an Act creating the office of county purchasing agent in all counties in this State having a population of more than one hundred thousand (100,000) inhabitants and less than one hundred and fifty thousand (150,000) inhabitants, as shown by the latest United States Census, and containing two (2) cities of fifty thousand (50,000) inhabitants or more, each, as shown by the latest United States Census; etc., and declaring an emergency."

The President laid the bill before the Senate.

On motion of Senator Shivers and by unanimous consent, Senate Rule No. 31a and Senate Rule No. 48 were suspended, severally, to permit consideration of the bill at this time.

The bill was read second time and was passed to third reading.

**House Bill No. 970 on Third Reading.**

Senator Shivers moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 970 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31.

Aikin  
Beck  
Brownlee

Burns  
Collie  
Cotten

Davis  
Head  
Hill  
Holbrook  
Isbell  
Lemens  
Moore  
Neal  
Nelson  
Newton  
Oneal  
Pace  
Rawlings

Redditt  
Roberts  
Shivers  
Small  
Spears  
Stone  
Sulak  
Van Zandt  
Weinert  
Westerfeld  
Winfield  
Woodruff

The President then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31.

Aikin  
Beck  
Brownlee  
Burns  
Collie  
Cotten  
Davis  
Head  
Hill  
Holbrook  
Isbell  
Lemens  
Moore  
Neal  
Nelson  
Newton

Oneal  
Pace  
Rawlings  
Redditt  
Roberts  
Shivers  
Small  
Spears  
Stone  
Sulak  
Van Zandt  
Weinert  
Westerfeld  
Winfield  
Woodruff

**House Bill No. 1035 on Second Reading.**

On motion of Senator Pace and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to third reading:

H. B. No. 1035, A bill to be entitled "An Act providing that it shall be unlawful to kill quail in Wood County, Texas, except on certain days; providing the number of quail that may be killed in one day; providing penalty for violation of this Act; etc., and declaring an emergency."

The President laid the bill before the Senate.

On motion of Senator Pace and by unanimous consent, Senate Rule No. 48 was suspended to permit consideration of the bill at this time.

The bill was read second time and was passed to third reading.

**House Bill No. 1035 on Third Reading.**

Senator Pace moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1035 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Holbrook	Stone
Isbell	Sulak
Lemens	Van Zandt
Moore	Weinert
Neal	Westerfeld
Nelson	Winfield
Newton	Woodruff

Nays—1.

Hill

The President then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed.

**Reason for Vote and Passage of House Bill No. 1035.**

I moved to pass this bill 1035 because Representative Cathey from Wood County has informed me the people of Wood County want it. Generally I think local game bills should not be passed, but I resolve my doubt in favor of the Representative (Judge Cathey) from Wood County.

PACE.

**House Bill No. 1034 on Second Reading.**

On motion of Senator Neal and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to third reading:

H. B. No. 1034, A bill to be entitled "An Act conferring authority on State Parks Board to acquire for use

as a public park a tract of land situated on Padre Island; prescribing the terms and conditions under which such purchase can be made; etc., and declaring an emergency."

The President laid the bill before the Senate and it was read second time.

Senator Neal offered the following (committee) amendment to the bill:

Amend Section 8 of H. B. No. 1034 by adding at the end thereof the following:

"It is expressly provided that no term or provision of this Act is intended to be mandatory or even suggestive to the Highway Commission but merely permissive if, and when, the Highway Commission funds are available and the project seems to said Commission to be feasible, and provided further that for the purpose of liquidating the expense of construction of said bridges or causeways the Highway Commission shall promulgate such rules and regulations as may be necessary to repay the cost of such construction out of the tolls and charges to the public for the use of said facilities."

The (committee) amendment was adopted.

Senator Redditt offered the following amendment to the bill:

Amend H. B. No. 1034. Provided, that no appropriation shall ever be made out of the General Fund or any other Fund for the support and maintenance of said Park.

REDDITT,  
BURNS.

The amendment was adopted.

Senator Neal offered the following amendment to the bill:

Amend the caption to conform to the changes in the body of the bill.

The amendment was adopted.

H. B. No. 1034 was passed to third reading.

**House Bill No. 1034 on Third Reading.**

Senator Neal moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1034 be placed on its third reading and final passage.

The motion prevailed by the following vote:



## Yeas—29.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Spears
Head	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

## Nays—1.

Hill

## Absent.

Small

The President then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—21.

Brownlee	Pace
Collie	Rawlings
Cotten	Roberts
Davis	Shivers
Head	Spears
Holbrook	Stone
Lemens	Van Zandt
Moore	Weinert
Neal	Westerfeld
Nelson	Winfield
Newton	

## Nays—8.

Aikin	Oneal
Burns	Redditt
Hill	Sulak
Isbell	Woodruff

## Absent.

Beck

Small

## Senate Bill No. 491 on Engrossment.

Senator Westerfeld called up from the President's table, on its passage to engrossment (the bill having been read second time and tabled subject to call on yesterday):

S. B. No. 491, A bill to be entitled "An Act limiting the amount of money to be assessed against candi-

dates for Congress in districts composed of one county, and declaring an emergency."

With amendment by Senator Moore pending.

Senator Moore withdrew the pending amendment.

Senator Westerfeld offered the following amendments to the bill:

## (1)

Amend S. B. No. 491 by striking out all below the enacting clause and inserting in lieu thereof the following:

From and after the passage of this Act in all counties having a population of more than 320,000 inhabitants, and less than 350,000 inhabitants, according to the last preceding and any future Federal Census, the County Executive Committee in estimating the cost of a primary election and run-off (if there be one) shall not assess any candidate for Congress whose district composes but one county, more than Three Hundred and Fifty Dollars (\$350.00).

The fact that in various counties, when the Congressional district is composed of one county, some County Executive Committees have assessed candidates as much as Fifteen Hundred (\$1,500.00) Dollars and some as low as One (\$1.00) Dollar, and the further fact that the law is indefinite, and different Attorney-Generals have rendered different opinions on whether the limit is One (\$1.00) Dollar or more, creates an emergency and an imperative public necessity demanding that the constitutional rule requiring all bills to be read on three several days in each House, be suspended, and said rule is hereby suspended, and said Act shall be in full force and take effect from and after its passage, and it is so enacted.

## (2)

Amend the caption of S. B. No. 491 to conform to the changes and to the body of the bill, by inserting immediately after the word "county" the following:

When the population is more than 320,000 inhabitants, and less than 350,000, according to the last preceding and any future Federal Census.

The amendments were adopted severally.

The bill then was passed to engrossment.

**Senate Bill No. 491 on Third Reading.**

Senator Westerfeld moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 491 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—30.**

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

**Absent.**

Small

The President then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed.

**House Bill No. 51 on Second Reading.**

On motion of Senator Moore and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to third reading:

H. B. No. 51, A bill to be entitled "An Act to amend Article 2943, Revised Civil Statutes of 1925, State of Texas, and declaring an emergency."

The President laid the bill before the Senate, it was read second time and was passed to third reading.

**House Bill No. 51 on Third Reading.**

Senator Moore moved that the constitutional rule requiring bills to

be read on three several days be suspended and that H. B. No. 51 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—30.**

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

**Absent.**

Small

The President then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed.

**House Bill No. 984 on Second Reading.**

On motion of Senator Holbrook and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to third reading:

H. B. No. 984, A bill to be entitled "An Act providing for a closed season for the killing, taking or possessing of squirrel in the County of Wharton, Texas, during the months of January, February and March of each year; providing a penalty for the violation of the provisions of this Act; repealing any provisions of law in conflict herewith, and declaring an emergency."

The President laid the bill before the Senate, it was read second time and was passed to third reading.

**House Bill No. 984 on Third Reading.**

Senator Holbrook moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 984

be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—30.**

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

**Absent.**

Small

The President then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed.

**Senate Bill No. 232 on Second Reading.**

On motion of Senator Collie and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to engrossment:

S. B. No. 232, A bill to be entitled "An Act to amend Article 498, Chapter 8, Title 16 of the Revised Civil Statutes of Texas, 1925, relating to fidelity bonds of certain officers and employees of State banking institutions; providing that fidelity insurance policies carried by any bank may be accepted in lieu of such bond or bonds; repealing laws in conflict therewith, and declaring an emergency."

The President laid the bill before the Senate, it was read second time and was passed to engrossment.

**Senate Bill No. 232 on Third Reading.**

Senator Collie moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 232 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—30.**

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

**Absent.**

Small

The President then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed.

**Senate Bill No. 502 on Second Reading.**

On motion of Senator Woodruff and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to engrossment:

S. B. No. 502, A bill to be entitled "An Act to amend Chapter 382, Acts of the First Called Session of the Forty-fourth Legislature, amending Article 704, Revised Civil Statutes of Texas of 1925, so as to provide that the election order shall designate the time and place of holding the election; that such election shall be held not less than twenty-one (21) nor more than forty (40) days from the date of such order, and that notice shall be given by posting a substantial copy of the election order in named public places not less than twenty-one (21) days before the election and in addition shall be published on the same day in each of three (3) successive weeks in a newspaper of general circulation within the county, city, or town, the date of the first publication to be not less than twenty-one (21) days before the date set for the election; that this Act shall control over any provision of any city charter to the

contrary; that the General Law shall govern the manner of holding such elections except as herein provided; and validating all proceedings heretofore had in the issuance and sale of bonds by counties, cities, and towns, where said bonds have been approved by the Attorney General of Texas and registered by the Comptroller of Public Accounts of Texas, and all bonds issued by counties, cities, and towns which have been approved by the Attorney General of Texas and registered by the Comptroller of Public Accounts, and all tax levies made therefor, with the exception of bonds which have been adjudged to be invalid by a court of competent jurisdiction or which are involved in litigation on the effective date of this Act; and declaring an emergency."

The President laid the bill before the Senate.

On motion of Senator Woodruff and by unanimous consent, Senate Rule No. 31a and Senate Rule No. 48 were suspended, severally, to permit consideration of the bill at this time.

The bill was read second time and was passed to engrossment.

**Senate Bill No. 502 on Third Reading.**

Senator Woodruff moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 502 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—30.**

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent.

Small

The President then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed.

**Committee Substitute for Senate Bill No. 361 on Second Reading.**

On motion of Senator Hill and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to engrossment:

C. S. for S. B. No. 361. A bill to be entitled "An Act prohibiting Assistant Attorneys General from accepting employment in civil suits to which the State of Texas is a party for a period of two years after discontinuing their service with the State; and declaring an emergency."

The President laid the bill before the Senate, it was read second time and was passed to engrossment.

**Committee Substitute for Senate Bill No. 361 on Third Reading.**

Senator Hill moved that the constitutional rule requiring bills to be read on three several days be suspended and that C. S. for S. B. No. 361 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—26.**

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Davis	Roberts
Head	Stone
Hill	Sulak
Holbrook	Van Zandt
Isbell	Weinert
Lemens	Westerfeld
Neal	Winfield
Nelson	Woodruff

**Nays—3.**

Cotten	Shivers
Moore	

Absent.

Small	Spears
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The President then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—22.

Aikin	Newton
Brownlee	Oneal
Collie	Pace
Davis	Rawlings
Head	Roberts
Hill	Sulak
Holbrook	Van Zandt
Isbell	Weinert
Lemens	Westerfeld
Neal	Winfield
Nelson	Woodruff

## Nays—6.

Burns	Redditt
Cotten	Shivers
Moore	Stone

## Absent.

Beck	Spears
Small	

## Senate Bill No. 233 on Second Reading.

On motion of Senator Roberts and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to engrossment:

S. B. No. 233, A bill to be entitled "An Act amending Section 22 of S. B. No. 111, Chapter 61, passed at the Second Session of the Forty-first Legislature, regulating building and loan associations with respect to bonds of officers and employees of building and loan associations; providing that fidelity insurance policies carried by any association may be accepted in lieu of such bond or bonds; repealing laws in conflict therewith, and declaring an emergency."

The President laid the bill before the Senate, it was read second time and was passed to engrossment.

## Senate Bill No. 233 on Third Reading.

Senator Roberts moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 233 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—30.

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

## Absent.

Small

The President then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed.

## Senate Bill No. 234 on Second Reading.

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to engrossment:

S. B. No. 234, A bill to be entitled "An Act to amend Section 8, of S. B. No. 165, Chapter 165, passed by the Forty-second Legislature, and all amendments thereof with respect to bonds of officers; providing that such bonds may not be required where the corporation carries fidelity insurance as to such officers or employees; repealing laws in conflict therewith, and declaring an emergency."

The President laid the bill before the Senate, it was read second time and was passed to engrossment.

## Senate Bill No. 234 on Third Reading.

Senator Aikin moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 234 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—30.

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

## Absent.

Small

The President then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed.

## Adjournment.

On motion of Senator Rawlings, the Senate, at 6:05 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

## APPENDIX.

## Bills Filed in Department of State.

Austin, Texas, May 4, 1937.  
Hon. Bob Barker, Secretary of the Senate.

Dear Sir: I submit herewith a resolution passed by the Forty-fifth Legislature which was filed in this office Monday, May 3, 1937:

H. C. R. No. 111:  
Vote in Senate, viva voce.  
Vote in House, viva voce.  
Date signed by the Governor, unsigned.

Assuring you of my sincere pleasure in performing this service, I am  
Yours very truly,

EDWARD CLARK,  
Secretary of State.

By: M. E. SANDLIN,  
Assistant Secretary of State.

## Reports of Standing Committees.

Committee Room,  
Austin, Texas, May 4, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 1035, A bill to be entitled "An Act providing that it shall be unlawful to kill quail in Wood County, Texas, except on certain days; providing the number of quail that may be killed in one day; providing penalty for violation of this Act; providing that consent be obtained before hunting upon the premises of another; providing a closed season for wild fox for a period of two (2) years; providing penalty for taking or killing wild fox during said closed season; providing for closed season upon wild deer for a period of two (2) years; providing for penalty for killing or taking wild deer during such closed season; providing for the taking of certain fish in the waters of Wood County; providing penalty for violation; providing a closed season on fur-bearing animals and penalty for violation, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Committee Room,  
Austin, Texas, May 4, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 1076, A bill to be entitled "An Act making certain emergency appropriations out of the General Fund of the State of Texas for the support and maintenance of the Board of Pardons and Paroles of Texas, created by an amendment to the Constitution of the State of Texas adopted at the November general election, 1936, and which became effective February 1, 1937, for the balance of the fiscal year, beginning February 1, 1937, and ending August 31, 1937, etc."

Have had the same under consideration, and I am instructed to

report it back to the Senate with the recommendation that it do not pass, but that committee substitute in lieu thereof do pass and be not printed.

REDDITT, Chairman.

Committee Room,  
Austin, Texas, May 4, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 1081, A bill to be entitled "An Act making it unlawful to trap, snare, shoot, catch, or kill any wild fox in Bell County for a period of two (2) years; providing a penalty; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Committee Room,  
Austin, Texas, May 4, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 1080, A bill to be entitled "An Act to amend Chapter 23, Acts of the Fourth Called Session of the Forty-third Legislature; providing that it should be lawful to use one dog for the purpose of hunting, pursuing, and taking of deer in Jefferson and Orange Counties, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Committee Room,  
Austin, Texas, May 4, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

S. B. No. 503, A bill to be entitled "An Act amending Acts of 1935, Forty-fourth Legislature, Special Laws, page 1210, Chapter 45, prohibiting transportation of minnows of any and all species outside of the counties wherein such minnows are

caught, seined, or taken, by adding thereto the Counties of Williamson and Burnet, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Committee Room,  
Austin, Texas, May 4, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 1103, A bill to be entitled "An Act amending Section 5 of Chapter 41, Special Laws of the Forty-fourth Legislature, Regular Session, same being H. B. No. 641, by providing that there shall be a closed season on fishing in the waters of Medina Lake in Bandera County, Texas, during the months of February, March, and April of each year; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Committee Room,  
Austin, Texas, May 4, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 1114, A bill to be entitled "An Act making it unlawful for any person to catch or take or attempt to take or catch catfish of less length than nine (9) inches in Burnet County; providing a penalty; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Committee Room,  
Austin, Texas, May 4, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 402, A bill to be entitled

"An Act making an appropriation of Twelve Hundred and Thirty-seven Dollars (\$1237) out of the Available School Fund which the Legislature is not prohibited by the Constitution from appropriating for the purposes set out in the bill, to the Crane County Independent School District, in order to refund to said district overpayment of interest on school bonds made by said district on bonds held by the State Permanent School Fund, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

REDDITT, Chairman.

Committee Room,

Austin, Texas, May 4, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 504, A bill to be entitled "An Act creating a Board for the lease of the land composing the permanent encampment for the Thirty-sixth Division, Texas National Guard, known as Camp Hulen, situated at or near Palacios in Matagorda County, Texas, and providing for the lease or sale of oil and gas and sulphur and other minerals therein and defining the duties and powers of said board, prescribing the mode and manner of leasing and selling oil, gas and sulphur in said lands, and the disposition to be made of the proceeds of such sales; making an appropriation to defray the expenses of enforcing this Act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PACE, Chairman.

Committee Room,

Austin, Texas, May 4, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 456, A bill to be entitled "An Act providing that on and after July 1, 1937, delinquent taxpayers shall be permitted to pay such taxes in partial payments; providing for

the creation and establishment of a system whereby such payments may be made in this manner; providing for a twenty-month time limit in the payment of delinquent taxes under this system; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with Committee Amendments Nos. 1 and 2, and be printed.

PACE, Chairman.

Committee Room,

Austin, Texas, May 4, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 1118, A bill to be entitled "An Act to fix the maximum rate of tax to be levied for the purpose of maintaining the public schools and issuing of bonds in common school districts having a taxable valuation of One Million Five Hundred Thousand Dollars (\$1,500,000) or less in counties having a population of one hundred and thirty thousand (130,000) to one hundred and fifty thousand (150,000) population and having therein two (2) cities of more than fifty thousand (50,000) population each, according to the last preceding Census; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

COTTEN, Chairman.

Committee Room,

Austin, Texas, May 4, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 713, A bill to be entitled "An Act to provide liens for services rendered by persons, firms, and corporations with whom articles of wearing apparel and garments have been placed to be repaired, altered, dyed, cleaned, or pressed, or laundered and authorizing the sale thereof to pay charges for such services, and for the disposition of proceeds of such sales; and declaring an emergency."



Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SMALL, Chairman.

Committee Room,  
Austin, Texas, May 4, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 1073, A bill to be entitled "An Act amending Article 5135, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SMALL, Chairman.

Committee Room,  
Austin, Texas, May 4, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 651, A bill to be entitled "An Act amending Article 6205, Revised Civil Statutes of Texas, 1925, as amended by Section 2 of Chapter 262, Acts Regular Session of the Forty-second Legislature, 1931; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SMALL, Chairman.

Committee Room,  
Austin, Texas, May 4, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 144, A bill to be entitled "An Act to correct malpractice in the building construction industry by safeguarding the public against the irresponsible practice of the profession of architecture; defining and regulating the practice of architecture; creating a Board of Architectural Examiners; etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PACE, Chairman.

Committee Room,  
Austin, Texas, May 4, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 105, A bill to be entitled "An Act requiring owners of real estate or other taxable property, or their agents or representatives in rendering same for ad valorem taxation to give the post office address of the owner or owners of said property at the time of such rendition; etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed, together with Committee Amendment No. 1 thereto.

PACE, Chairman.

Committee Room,  
Austin, Texas, May 4, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 110, Granting Floyd Arnwine permission to bring suit against the State of Texas.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PACE, Chairman.

Committee Room,  
Austin, Texas, May 4, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred

H. B. No. 677, A bill to be entitled "An Act to amend Article 3137 of the Revised Civil Statutes of Texas, of 1925, the date of the canvassing the returns of the primary elections by the State Executive Committee, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

BECK, Chairman.

Committee Room,  
Austin, Texas, May 4, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 5, A bill to be entitled "An Act defining the term 'open saloon' and prohibiting the operation thereof and providing penalties for violations; further regulating the traffic in alcoholic beverages in this State and prescribing penalties for violations thereof; providing for the Liquor Control Board; vesting the Texas Liquor Control Board and its representatives with additional powers to administer the provisions of the Texas Liquor Control Act; providing for appointment of the Administrator and his salary and duties to be under the direction of the Board; etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed, together with Committee Amendments Nos. 1, 2, 3, 4, 5, 6, 9, 10, 11 thereto.

PACE, Chairman.

Committee Room,

Austin, Texas, May 4, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 1027, A bill to be entitled "An Act amending Article 7261 of the Revised Civil Statutes of Texas of 1925, by transferring the duty of certifying to the correctness of the report of the County Collector from the County Clerk to the County Auditor in those counties having a County Auditor, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SPEARS, Chairman.

Committee Room,

Austin, Texas, May 4, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 993, A bill to be entitled "An Act providing for the trial and commitment to State hospitals for the insanity of persons found upon trial to have been insane at the time of the commission of the act, as well as at the time of the trial of such person; providing for the discharge

of persons tried for crime if found to have been insane at the time of the commission of the offense and sane at the time of the trial; providing for the commitment of such persons to a state hospital for the insane if found to be sane at the time of the commission of the offense but insane at the time of the trial of such person; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

STONE, Chairman.

Committee Room,

Austin, Texas, April 29, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 502, A bill to be entitled "An Act to amend Chapter 382, Acts of the First Called Session of the Forty-Fourth Legislature, amending Article 704, Revised Civil Statutes of Texas of 1925, so as to provide that the election order shall designate the time and place of holding the election; etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SMALL, Chairman.

Committee Room,

Austin, Texas, May 4, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 641, A bill to be entitled "An Act making appropriation of certain sums of money, or so much thereof as may be necessary, out of the General Revenue Fund to pay taxes due by the State to certain Independent School Districts, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

REDDITT, Chairman.

Committee Room,

Austin, Texas, May 3, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 306

carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,

Austin, Texas, May 3, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 497 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,

Austin, Texas, May 3, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 498 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,

Austin, Texas, May 3, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 179 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,

Austin, Texas, May 3, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 489 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,

Austin, Texas, May 3, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 469 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,

Austin, Texas, May 3, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 471 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,

Austin, Texas, May 3, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 505 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,

Austin, Texas, May 3, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 492 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,

Austin, Texas, May 3, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 298 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,

Austin, Texas, May 3, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. J. R. No. 5 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,

Austin, Texas, May 3, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 139 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,

Austin, Texas, April 29, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 229 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

Committee Room,

Austin, Texas, April 29, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 435

carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

Committee Room,

Austin, Texas, April 29, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 230 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

Committee Room,

Austin, Texas, April 29, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 336 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

Committee Room,

Austin, Texas, May 3, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 55 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

Committee Room,

Austin, Texas, May 3, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 59 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

#### SEVENTY-FIRST DAY

(Wednesday, May 5, 1937)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Woodul.

The roll was called and the following Senators were present:

Aikin	Holbrook
Beck	Isbell
Brownlee	Lemens
Burns	Moore
Collie	Neal
Cotten	Nelson
Davis	Newton
Head	Oneal
Hill	Pace

Rawlings

Redditt

Roberts

Shivers

Small

Spears

Stone

Sulak

Van Zandt

Weinert

Westerfeld

Winfield

Woodruff

A quorum was announced present.

The invocation was offered by the Chaplain.

Reading of the Journal of the proceedings of yesterday was dispensed with, on motion of Senator Aikin.

#### Reports of Standing Committees.

Reports on Senate Bills Nos. 508, and 507, and 300, and on House Bills Nos. 668, 1017, 483, 1136, 181, 547, 875, 489 and 1026, were submitted by the chairmen of the several committees to which they were referred. (See appendix for reports in full.)

#### Senate Bill No. 508 on First Reading.

Senator Aikin moved that the rule limiting the time for introduction of certain bills to the first 45 days of the session be suspended, to permit the introduction at this time of a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—31.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

The following bill then was introduced, read first time, and referred to the Committee on Civil Jurisprudence.

By Senator Aikin:

S. B. No. 508, A bill to be entitled "An Act validating and approving